

MINUTES

WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
May 28, 2013 at 6:00 P.M.

PLEDGE OF ALLEGIANCE – A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Jeff Valiant, Chairman, Don Mottley, Terry Dayvolt, Judy Writsel, Mike Winge, and Jeff Willis.

Also present were Morrie Doll, Attorney, Sherri Rector Executive Director and Tara Dickerson, Staff.

MEMBERS ABSENT: Tina Baxter.

Roll call was taken and a quorum declared present. The Executive Director stated that any motion will need four Board members to vote in order for a motion to carry.

MINUTES: Upon a motion made by Terry Dayvolt and seconded by Don Mottley, the Minutes of the last regular meetings held April 22, 2013 were approved as circulated.

SPECIAL USE:

BZA-SU-13-10

APPLICANT: Mofield Arms & Gunsmithing Service, by Ed Mofield, President and Mofield Roofing & Construction, by Ed Mofield, Owner

OWNER: Edward J. Mofield

PREMISES: Property located on the E. side of Baker Rd. approximately 955 feet S. of the intersection formed by Baker Rd. and Deer Run Ct. in Boon Twp. 522 S. Baker Rd. *Complete legal on file.*

NATURE OF CASE: Applicant requests a Special Use, SU 28, for the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a home workshop for gunsmithing and manufacturing of suppressors and firearm sales via internet in an existing unattached accessory building with no employees and no commercial vehicles. Also to allow a home workshop for existing roofing and construction business with 3 employees and 3 commercial vehicles in a proposed unattached accessory building to bring said business based at this location since 1994 into compliance in an Agriculture “A” and Recreation and Conservancy “Con” District. *(As advertised in the Boonville Standard on May 16, 2013.)*

Mr. Mofield was present.

Jeff Valiant called for a staff report.

Mrs. Rector stated the existing land use is a residence and a business. She said the surrounding zoning and land use is as follows; the property to the north, south and east are zoned "A" agriculture and "CON" Recreation and Conservancy zoning, and the property to the west is zoned "CON." Mrs. Rector said the property is not located in the flood plain and the entrance is off the east side of Baker Road. She said the applicant has a total of 5.041 acres and could have a maximum of 5,000 square feet under roof. She said there is an existing 30 by 40 foot unattached accessory building totaling 1200 square feet that the proposed gunsmithing and manufacturing of suppressors and firearms sales via internet would operate out of. Mrs. Rector added that under the Warrick County Zoning Ordinance that applicant would be allowed to have one commercial vehicle and one employee. She said the applicant has chosen not to do either for this business. She said the applicant has also proposed to build a 60 by 60 foot 3600 square foot unattached accessory building for the existing roofing and construction business. She said the applicant would be allowed to have up to three employees and up to three commercial vehicles. Mrs. Rector said the applicant has chosen to have three employees and three commercial vehicles. She said there is a proposed total of 4600 square feet under roof. She said the applicant has answered the questions on the proposed use statement and the application is in order.

Jeff Valiant asked Mr. Mofield if he had anything to add to the staff report.

Mr. Mofield did not have anything to add.

Mike Winge asked Mr. Mofield if he has already had a meeting with the ATF.

Mr. Mofield said they are going to have the meeting in two to three weeks. He said he will go by and do the five hour interview with them.

Mrs. Rector said Stan Baker, a representative of ATF, came by and spoke to her about this. She said when the applicant gets their approvals she emails them to him, and includes any conditions that they may put on them.

Mike Winge asked if the suppressors he was going to manufacture were his own design or was he going to buy parts and assemble them.

Mr. Mofield said that is where the gunsmithing comes into play. He said if he finds another company that needs repairs to suppressors or finds another individual that has suppressors established, then yes he will be doing both, he will be manufacturing them himself then assembling, then also mail in parts to fix the ones that are already damaged.

Mike Winge asked if he was aware of all of the exchange practice with all of that.

Mike Winge said it is a very lengthy process.

Jeff Valiant asked if everything was done by internet, and that there would be no customers coming to the house.

Mr. Mofield said yes, everything would be done via internet. He added that maybe five years down the road he may want to buy a piece of commercial ground and approach the Board with the idea of moving the business there.

Mike Winge asked if the applicant would be test firing guns on the property.

Mr. Mofield said he has a 20 foot embankment to test fire at. He said that is something he is going to go over with the ATF to be sure that he follows the guidelines as far as having a test firing site.

Mike Winge said the reason he says that is if he does a lot of firing the neighbors could complain.

Mr. Mofield said the only neighbor he has is Joe Morgan up on the hill and they practice shooting together, and the cemetery is behind him but he doesn't think anybody will complain there.

Mrs. Rector asked Attorney Doll if that should be considered for the approval.

Attorney Doll said as long as the motion says it is to comply with all state and federal rules and regulations he thinks it will be fine.

Mrs. Rector said it will.

Ascertaining there were no other questions from the Board and being no remonstrators present, the Chairman called for a motion.

I, Don Motley, make a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.

6. The specific site is appropriate for the USE.
7. The use is part-time and will not change the residential appearance of the property.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.
2. Subject to all public utility easements and facilities in place.
3. Subject to no more than three employee in addition to the owner, based on the 3600 square foot building.
4. Subject to the owner remaining a resident of the residence.
5. Subject to the home workshop remaining in the existing 4600 square foot building as shown on the plot plan.
6. Any outside storage shall be completely enclosed within a solid fence and shall not exceed 4600 square feet.
7. A sign not exceeding 25 square feet may be erected to identify the home workshop. The sign requires an ILP.
8. Subject to the rules and regulations of the ATF.

Motion was seconded by Mike Winge and unanimously carried.

VARIANCE:

BZA-V-13-11

APPLICANT: Hanks Neon and Plastic Services, Inc. by Wade Flake, Owner.

OWNER: Hogan Real Estate, LLC

PREMISES: Property located on the S. Side of S.R. 66 approximately 340 feet E. of the intersection formed by Old S.R. 261 and S.R. 66. Ohio Twp., Parcel 1 in Busler Minor Subdivision. 7769 S.R. 66 (*Complete legal on file*)

NATURE OF CASE: Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for an electronic message board to be added to an existing on-

premise pole sign not meeting the minimum 5 Ft. setback yard requirement in “C-4” General Commercial Zoning District. *(As advertised in the Boonville Standard on May 16, 2013.)*
Hank’s Neon & Plastic Service Inc has requested that this be continued to the next meeting.

The Chairman called for a motion.

Mike Winge made a motion to table the variance.

The motion was seconded by Don Motley and unanimously carried.

ATTORNEY BUSINESS:

None.

EXECUTIVE DIRECTOR BUSINESS:

None.

Being no other business the meeting adjourned at 6:22 p.m.

Jeff Valiant, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of said Board at their monthly meeting held May 28, 2013.

Sherri Rector, Executive Director